



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/694,613

10/27/2003

Peter Forch

A-3824

5723

24131

7590

07/28/2006

LERNER GREENBERG STEMER LLP

P O BOX 2480

HOLLYWOOD, FL 33022-2480

EXAMINER

JOERGER, KAITLIN S

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,613	Applicant(s) FORCH ET AL.	
	Examiner Kaitlin S. Joerger	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Spiegel et al.

Spiegel et al. teaches a sheet-processing machine, comprising: at least one processing station being a printing unit; a stacking station, 3, for holding a stack formed from processed sheets and disposed downstream of said printing unit; a delivery, 2, with an endless conveyor transporting the processed sheets in a direction of the stack and disposed downstream of said printing unit; after-grippers, 7, following an after-grippers path during operation for taking over the processed sheets and releasing the sheets over the stack; a mechanism guiding the after-grippers, the mechanism being set to positions correlating with different formats of the processed sheets; the endless conveyor and the mechanism having torque-transmitting connection with each other, the torque-transmitting connection being a flexible drive having an endless flexible drive unit acting on the mechanism, see column 2, lines 14+ and column 4, lines 65+; a drive actuating the mechanism, the drive keeping said mechanism at one and the same phase angle with respect to the printing unit in each of the positions, see column 2, lines 38+.

Art Unit: 3653

The mechanism and the drive form one structural unit disposed to be displaced with respect to the delivery, see column 4, lines 39+. During a change in the positions of the mechanism the mechanism is not actuated, see column 5, lines 33+.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spiegel et al. in view of Blaser.

Speigel et al. teaches all of the features of the claimed invention including an actuating device actuated rotationally and having an actuating wheel, 8, for setting positions of the mechanism and a drive connection between the actuating wheel and actuating drive, as claimed in claim 9. Speigel et al. does not, however teach that the endless conveyor contains a first and second conveyor, but Blaser does teach this feature. Blaser teaches a processing station, a stacking station, 2, a delivery, A and B, with an endless conveyor transporting the processed sheets in a direction of the stack; wherein the endless conveyor includes a first conveyor, 3, and a second conveyor, 6, the first conveyor having first grippers, 4, for gripping leading edges of the sheets, and the second conveyor having second grippers, 7, for gripping the trailing edges of the sheets, see figure 2. Blaser further teaches a rotary coupling operating in a first and second state, wherein the first operating state produces a drice connection between the first conveyor and

Art Unit: 3653

second conveyor, and operating in the second operating states releases the second conveyor for a phase adjustment with respect to the first conveyor, see column 5, lines 5+. Blaser further teaches in column 5, lines 5+ an actuating drive having a drive connection to the second conveyor through the rotary coupling, pinions 17 and 18 and shaft 19, in a second operating state and in a first operating state the actuating drive is uncoupled for the conveyor.

It would have been obvious to one of ordinary skill in the art to replace the leading edge only grippers of the delivery of the Spiegel et al. reference with the leading and trailing edge grippers of the delivery of the Blaser reference in order to prevent damage to the sheet as they are transported, see Blaser column 1, lines 25+.

Allowable Subject Matter

Claims 11 and 12 are allowed.

The following is an examiner's statement of reasons for allowance: Independent claim 12 claims a rotary press comprising a delivery, wherein the delivery has a sheet guide which can be adjusted to different formats of sheets, wherein the after-grippers engage with clearance in the guide when taking over the sheet and delivering the sheet to the stack. It is well known in the art to use sheet guides in rotary press deliveries to aid in the conveying of the sheet, however, the examiner was unable to find a teaching of adjustable sheet guides that are adjusted according to the different formats of the sheets. As a result the examiner has found claim 12 and claim 11, which depends therefrom, to be allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 3653

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

The examiner reviewed to applied art and withdrew the indication of allowable subject from the previous office action. As a result the amendment to the claims does not put the case in condition for allowance.

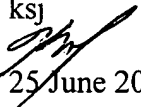
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S. Joerger whose telephone number is 571-272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ksj


25 June 2006


PATRICK MACKEY
PRIMARY EXAMINER